



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Tod R Nissle Esq
Tod R Nissle PC
P O Box 55630
Phoenix AZ 85078

COPY MAILED

SEP 14 2006

OFFICE OF PETITIONS

In re Application of :
Curry :
Application No.: 09/526,777 :
Filing Date: March 16, 2000 :
Docket No.: 1019-P-1 :
For: Animal Toy :

DECISION

ON PETITION UNDER

37 CFR 1.137(b)

This is a decision on Petition Under 37 CFR 1.137(b), filed on March 18, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed March 18, 2003, which set a shortened statutory period for reply of three (3) months. The application went abandoned at midnight on September 18, 2003. A Notice of Abandonment was mailed on October 20, 2003.

Petitioner has met the requirements for revival under §1.137(b). Petitioner submitted the reply in the form of an amendment, paid the petition fee and made the statement that "the entire delay in filing the required reply to the outstanding Office Action in the application was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Since this utility application was filed after June 8, 1995, no terminal disclaimer is required. Accordingly, the petition is granted under §1.137(b).

This application is being referred to Technology Center 3644 for continued processing.

George M. Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
on behalf of
Office of Petitions
Telephone: 571-272-3283
Facsimile: 571-273-0459